

## DECLARATION FOR PATENT APPLICATION

Atty. Docket No. SIER 0127 PUS

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### HYBRID SPREAD SPECTRUM METHOD AND SYSTEM FOR WIRELESSLY TRANSMITTING AND RECEIVING WIDEBAND DIGITAL DATA

the specification of which:

[ ☒ ] is attached hereto; or  
[        ] was filed on (MM/DD/YYYY) \_\_\_\_\_ as application Serial No. \_\_\_\_\_,  
and was amended on (MM/DD/YYYY) \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

<i>Prior Foreign Application Number(s)</i>	<i>Country</i>	<i>Foreign Priority Date (MM/DD/YYYY)</i>	<i>Priority Not Claimed</i>	<i>Certified Copy Attached? (Yes/No)</i>

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

<i>Application Number(s)</i>	<i>Filing Date (MM/DD/YYYY)</i>

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

<i>Application Number(s)</i>	<i>Filing Date (MM/DD/YYYY)</i>	<i>Status: Patented, Pending, Abandoned</i>

**Declaration for Patent Application (cont'd.)**Atty. Docket No. SIER 0127 PUS

I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Ernie L. Brooks, Reg. No. 26,260; James A. Kushman, Reg. No. 25,634; David R. Syrowik, Reg. No. 27,956; Mark A. Cantor, Reg. No. 30,614; Ralph M. Burton, Reg. No. 17,748; Robert C.J. Tuttle, Reg. No. 27,962; Earl J. LaFontaine, Reg. No. 30,766; Ronald M. Nabozny, Reg. No. 28,648; Thomas A. Lewry, Reg. No. 30,770; John E. Nemazi, Reg. No. 30,876; Kevin J. Heinl, Reg. No. 29,805; William G. Abbott, Reg. No. 31,936; Donald J. Harrington, Reg. No. 17,427; Paul M. Schwartz, Reg. No. 33,278; Timothy G. Newman, Reg. No. 34,228; Frederick M. Ritchie, Reg. No. 18,669; Robert C. Brandenburg, Reg. No. 29,048; A. Frank Duke, Reg. No. 20,937; John M. Halan, Reg. No. 35,534; Jeffrey M. Szuma, Reg. No. 35,700; James R. Ignatowski, Reg. No. 26,741; Frank A. Angileri, Reg. No. 36,733; William G. Conger, Reg. No. 31,209; Rhonda L. McCoy-Pfau, Reg. No. 37,887; Sangeeta G. Shah, Reg. No. 38,614; Christopher W. Quinn, Reg. No. 38,274; Robert C. Jones, Reg. No. 35,209; David S. Bir, Reg. No. 38,383; Konstantine J. Diamond, Reg. No. 39,657; James N. Kallis, Reg. No. 41,102; Hugo A. Delevie, Reg. No. 32,688; Ralph E. Smith, Reg. No. 35,474; Michael S. Brodbine, Reg. No. 38,392; Jeremy J. Curcuri, P-42,454; and Mark D. Chuey, P-42,415.

Address all correspondence and telephone calls to DAVID R. SYROWIK  
at Brooks & Kushman P.C., 1000 Town Center, Twenty-Second Floor, Southfield, Michigan 48075, (248) 358-4400.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full Name of Sole or First Inventor** David C. Chauncey

Inventor's signature David C. Chauncey Date 3 August 1998

Post Office Address 13355 Cherry Tree Lane, Alden, NY 14004

Residence (Same as Post Office Address) Citizenship US

**Full Name of Second Joint Inventor** James R. Doane

Inventor's signature James R. Doane Date 27 July 98

Post Office Address 212 South Marlin Road, Grand Island, NY 14072

Residence (Same as Post Office Address) Citizenship US

**Full Name of Third Joint Inventor** Christopher P. Hoen

Inventor's signature Ch Hoen Date 3 Aug 98

Post Office Address 234 Oak Hill Drive, Hamburg, NY 14075

Residence (Same as Post Office Address) Citizenship US

## ASSIGNMENT


For the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, we, David C. Chauncey, residing at 13355 Cherry Tree Lane, Alden, NY 14004; James R. Doane, residing at 212 South Marlin Road, Grand Island, NY 14072 and Christopher P. Hoen, residing at 234 Oak Hill Drive, Hamburg, NY 14075, respectively, do hereby assign, sell and set over to InterAir Wireless, Inc., a corporation organized and existing under the laws of the State of Delaware, and having a place of business at 485 Cayuga Road, Buffalo, New York, hereinafter referred to as the ASSIGNEE, its successors, assigns or other legal representatives, the entire right, title and interest, domestic and foreign, in and to the inventions and discoveries in

### HYBRID SPREAD SPECTRUM METHOD AND SYSTEM FOR WIRELESSLY TRANSMITTING AND RECEIVING WIDEBAND DIGITAL DATA

set forth in the application for United States Letters Patent executed by us on the 3rd day of August, 1998, and the 27 day of July, 1998, and the 3rd day of August, 1998, respectively, including the right of said ASSIGNEE, its successors, assigns or other legal representatives to make applications and to receive Letters Patent for said inventions and discoveries in any and all foreign countries in its or their own name or names, or in our names, at its or their election, and we hereby assign, sell and set over to said ASSIGNEE, its successors, assigns or other legal representatives, all rights of priority in and to said inventions and discoveries in all countries.

And we hereby agree for ourselves, our heirs, successors, assigns or other legal representatives to execute any and all papers, including applications for Letters Patent of any and all kinds and in any and all countries and to perform any and all acts which said ASSIGNEE, its successors, assigns or other legal representatives may deem necessary to secure thereto the rights herein assigned, sold and set over.

And we hereby represent and warrant that we have not granted any rights inconsistent with the rights granted herein.

  
\_\_\_\_\_  
David C. Chauncey

  
\_\_\_\_\_  
James R. Doane

  
\_\_\_\_\_  
Christopher P. Hoen

STATE OF NEW YORK )  
 ) ss.  
COUNTY OF Erie )

On this 3rd day of August, 1998, personally appeared before me DAVID C. CHAUNCEY, to me known to be the person named in and who executed the above instrument, and acknowledge that he executed the same for the uses and purposes therein mentioned.

Roger D. Cleary  
Notary Public  
My Commission expires:

(SEAL)

STATE OF NEW YORK )  
 ) ss.  
COUNTY OF Erie )

ROGER D. CLEARY  
Notary Public State of New York  
Qualified in Erie County  
Commission Expires March 30, 2000

On this 27th day of July, 1998, personally appeared before me JAMES R. DOANE, to me known to be the person named in and who executed the above instrument, and acknowledge that he executed the same for the uses and purposes therein mentioned.

Roger D. Cleary  
Notary Public  
My Commission expires: March 30 2000

(SEAL)

STATE OF NEW YORK )  
 ) ss.  
COUNTY OF Erie )

ROGER D. CLEARY  
Notary Public State of New York  
Qualified in Erie County  
Commission Expires March 30, 2000

On this 3rd day of August, 1998, personally appeared before me CHRISTOPHER P. HOEN, to me known to be the person named in and who executed the above instrument, and acknowledge that he executed the same for the uses and purposes therein mentioned.

Roger D. Cleary  
Notary Public  
My Commission expires:

(SEAL)

ROGER D. CLEARY  
Notary Public State of New York  
Qualified in Erie County  
Commission Expires March 30, 2000



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DECEMBER 02, 1998

PTAS

BROOKS & KUSHMAN P.C.  
DAVID R. SYROWIK, ESQ.  
1000 TOWN CENTER, TWENTY-SECOND FLOOR  
SOUTHFIELD, MI 48075



\*100805409A\*

**UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION  
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RECORDATION DATE: 08/19/1998

REEL/FRAME: 9397/0853  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
CHAUNCEY, DAVID C.

DOC DATE: 07/27/1998

ASSIGNOR:  
DOANE, JAMES R.

DOC DATE: 08/03/1998

ASSIGNOR:  
HOEN, CHRISTOPHER P.

DOC DATE: 08/03/1998

ASSIGNEE:  
INTERAIR WIRELESS, INC.  
485 CAYUGA ROAD  
BUFFALO, NEW YORK 14225

SERIAL NUMBER: 09136247  
PATENT NUMBER:

FILING DATE: 08/19/1998  
ISSUE DATE:

JOANN STEWART, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

08-28-1998

FORM PTO-1595  
(Modified)

RECOR

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

100805409

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

David C. Chauncey, James R. Doane and  
Christopher P. HoenAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Execution Date: 7/27/98 and 8/3/98

## 2. Name and address of receiving party(ies):

Name: InterAir Wireless, Inc.

Internal Address: \_\_\_\_\_

Street Address: 485 Cayuga RoadCity: Buffalo State: NY Zip: 14225Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 7/27/98 and 8/3/98

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David R. Syrowik, Esq.Address: Brooks & Kushman P.C.1000 Town Center, Twenty-Second FloorCity: Southfield State: MI ZIP: 480756. Total number of applications and patents involved: 17. Total Fee (37 C.F.R. § 3.41) ..... \$ 40.00☒ Enclosed☐ Authorized to be charged to Deposit Account8. Deposit Account Number: 02-3978

(Attach duplicate copy of this page if paying by Deposit Account)

08/24/1998 680621 00000011 09136247

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

David R. Syrowik

Name of Person Signing

Signature

August 19, 1998

Date

Total number of pages including cover sheet, attachments, and document: 3Mail documents to be recorded with required cover sheet information to:  
Assistant Commissioner for Patents, Box Assignments  
Washington, D.C. 20231